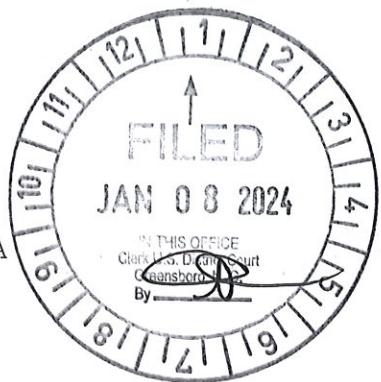


IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



MICHAEL PATRICK BURNETT,)
)
Plaintiff,)
)
v.)
)
OFFICE OF THE SHERIFF/ D.O.N,)
OFFICER/CO HOOD, L.T. RICHARDS,)
CORP. SANDS, OFFICER BOGNER,)
and NAPHCARE, INC.,)
)
Defendants.)

1:22-cv-479

ORDER

On July 31, 2023 the United States Magistrate Judge's Memorandum Opinion and Recommendation ("Recommendation") was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. (Docs. 36, 37.) No objections were filed within the time prescribed by Section 636.

Therefore, the court need not make a de novo review and the Magistrate Judge's Recommendation is hereby adopted.

IT IS THEREFORE ORDERED that the Magistrate Judge's Recommendation, (Doc. 36), is **ADOPTED**. **IT IS FURTHER ORDERED** that Defendant NaphCare, Inc.'s Motion to Dismiss, (Doc. 18), is **GRANTED**, for failure to state a claim and that any claim against NaphCare, Inc., is **DISMISSED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED that Defendants Lt. Richards and Corp. Sands's Motion to Dismiss, (Doc. 22), is **GRANTED**, and that the claims against Defendants Lt. Richards and Corp. Sands are **DISMISSED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED that Defendants "Office of the Sheriff/D.O.N" Director of Nurses, Officer Hood, and Officer Bogner are **DISMISSED WITHOUT PREJUDICE**, and this action is hereby **DISMISSED**.

A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 8 day of January, 2024.

William L. Osten, Jr.
United States District Judge